

Message Text

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PAGE 01 STATE 106066 TOSEC 040128
ORIGIN L-03

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DRAFTED BY L:MSANDLER:GLS
APPROVED BY L - MR. HANSELL
S/S-O RPERITO

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FM SECSTATE WASHDC
TO USDEL SECRETARY IMMEDIATE
AMEMBASSY ABIDJAN IMMEDIATE

LIMITED OFFICIAL USE STATE 106066 TOSEC 040128

FOR HODDING CARTER/PAT DERIAN FROM HANSELL

E.O. 11652: N/A

TAGS: SOPN

SUBJECT: PRESS GUIDANCE

1. THE FOLLOWING IS AN UPDATED DRAFT WHICH SUPERSEDES
PRIOR GUIDANCE FROM FRED BROWN:

2. QUOTE: BOTH HODDING CARTER AND PATRICIA DERIAN HAVE,
FOR SEVERAL YEARS, BEEN PARTICIPANTS IN A GROUP THAT HAS
BEEN APPLYING TO THE FCC FOR THE TRANSFER OF A TELEVISION
STATION LICENSE IN JACKSON, MISSISSIPPI. THE LICENSE
IN QUESTION WAS JUDICIALLY DETERMINED TO BE OPEN FOR
COMPETING APPLICATIONS AS A RESULT OF CLAIMS OF RACIAL
BIAS AGAINST THE PROGRAMMING OF THE FORMER LICENSEE.
THE GROUP IN WHICH MR. CARTER AND MS. DERIAN HAVE BEEN
PARTICIPANTS IS COMPRISED OF INDIVIDUALS WHO HAVE BEEN
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ACTIVE IN CIVIL RIGHTS AFFAIRS IN MISSISSIPPI. THREE
YEARS AGO, AN FCC ADMINISTRATIVE LAW JUDGE AWARDED A
CONSTRUCTION PERMIT TO AN APPLICANT OTHER THAN THE GROUP
WITH WHICH MR. CARTER AND MS. DERIAN WERE ASSOCIATED.
THIS INITIAL AWARD HAS BEEN THE SUBJECT OF A MOTION FOR
RECONSIDERATION PENDING BEFORE THE FCC FOR THE PAST 2 AND
1/2 YEARS.

WHEN MR. CARTER AND MS. DERIAN WERE NOMINATED FOR POSITIONS

IN THE DEPARTMENT OF STATE, BOTH AGREED TO RESIGN AS DIRECTORS AND OFFICERS OF THE CORPORATION SEEKING THE LICENSE, TO REFRAIN FROM PARTICIPATING IN THE BUSINESS AND AFFAIRS OF THE CORPORATION WHILE THEY WERE IN GOVERNMENT SERVICE AND TO REFRAIN FROM HAVING ANY CONTACT WITH THE FCC RELATIVE TO THE APPLICATION. IT WAS UNDERSTOOD THAT THEY COULD RETAIN PREEEXISTING RIGHTS TO SUBSCRIBE TO STOCK OF THE CORPORATION AND COULD BE ACTIVE IN ITS OPERATIONS AFTER LEAVING THE GOVERNMENT IN THE EVENT THE LICENSE WERE GRANTED.

THESE ARRANGEMENTS WERE EXAMINED IN THE COURSE OF REVIEW OF MR. CARTER'S AND MS. DERIAN'S COMPLIANCE WITH APPLICABLE LEGAL AND ETHICAL CONFLICT OF INTEREST STANDARDS ESTABLISHED BY ADMINISTRATION GUIDELINES AND DEPARTMENT OF STATE REGULATIONS; THE OFFICE OF THE LEGAL ADVISER OF THE DEPARTMENT WAS OF THE OPINION THAT THE ARRANGEMENTS COMPLIED WITH THOSE STANDARDS AND THE OFFICE OF THE WHITE HOUSE COUNSEL REVIEWED THE ENTIRE MATTER AND CONCURRED IN WRITING WITH THAT OPINION. THE SENATE FOREIGN RELATIONS COMMITTEE ALSO WAS APPRISED OF THESE ARRANGEMENTS. END QUOTE. CHRISTOPHER

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